

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**THE AMERICAN INSURANCE COMPANY**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 3:07CV746HTW-LRA**

**C.E. FRAZIER CONSTRUCTION  
COMPANY, PRYOR AND FRAZIER  
CONSTRUCTION COMPANY,  
AUSTIN FRAZIER, PHYLLIS E.  
FRAZIER, C.E. FRAZIER, JR.  
CLAIBORNE FRAZIER AND  
FRAZIER DEVELOPMENT, LLC**

**DEFENDANTS**

**ANSWER OF FRAZIER DEVELOPMENT, LLC**

COMES NOW, Frazier Development, LLC by and through their attorney of record, Gerald Talmadge Braddock, Esq. of the Braddock Law Firm, PLLC and files this their Answer and Defenses. The Summons executed by The American Insurance Company was served on Frazier Development, LLC on 03/13/2008, answer due 04/02/2008. On 03/19/2008 Alton Lamar Watts, Esq., Counsel for The American Insurance Company, agreed to allow Frazier Development, LLC an additional thirty (30) days in which to respond to the Complaint. Thank you!

**FIRST DEFENSE**

The Complaint fails to state a claim upon which relief can be granted against Frazier Development, LLC.

**SECOND DEFENSE**

The Plaintiff has sued the wrong corporate entity. Frazier Development, LLC is a completely separate entity than any of the other corporate Defendants in the above referenced cause of action.

**THIRD DEFENSE**

The Plaintiff's claims are barred by the statute of limitations.

**FOURTH DEFENSE**

The Plaintiff's claims are barred by insufficient process.

**FIFTH DEFENSE**

The Plaintiff's claims are barred by insufficiency of service of process.

**SIXTH DEFENSE**

The Plaintiff's claims are barred by unclean hands.

**SEVENTH DEFENSE**

The Plaintiff's claims are barred by failure of consideration.

**EIGHT DEFENSE**

The Plaintiff's claims are barred by fraud.

Frazier Development, LLC responds to the allegations of the Complaint, paragraph by paragraph, as follows:

1. Admitted.

2. Admitted.

3. Denied.

4. Admitted.

5. Denied. Austin W. Frazier is an adult resident citizen of Madison County, State of Mississippi and may be personally served with process at Post Office Box 2039, Ridgeland, Mississippi 39158.

6. Admitted.

7. Harris Claiborne Frazier is an adult resident citizen of Madison County, State of Mississippi and may be personally served with process at Post Office Box 2039, Ridgeland,

Mississippi 39158.

8. Denied.

9. Admitted.

10. Admitted.

11. Denied as to Frazier Development, LLC. Otherwise, admitted.

12. Admitted.

13. Denied as to Frazier Development, LLC. Otherwise, admitted.

14. Denied.

15. Frazier Development, LLC is without knowledge or information sufficient to form a belief as to the truth of these allegations.

16. Frazier Development, LLC is without knowledge or information sufficient to form a belief as to the truth of these allegations.

17. Frazier Development, LLC is without knowledge or information sufficient to form a belief as to the truth of these allegations.

18. Frazier Development, LLC is without knowledge or information sufficient to form a belief as to the truth of these allegations.

19. Frazier Development, LLC is without knowledge or information sufficient to form a belief as to the truth of these allegations.

20. Frazier Development, LLC is without knowledge or information sufficient to form a belief as to the truth of these allegations.

21. Frazier Development, LLC is without knowledge or information sufficient to form a belief as to the truth of these allegations.

22. Frazier Development, LLC is without knowledge or information sufficient to form a

belief as to the truth of these allegations.

23. Frazier Development, LLC is without knowledge or information sufficient to form a belief as to the truth of these allegations.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

Frazier Development, LLC denies the allegations that follow the word “WHEREFORE” on page 10 of the Complaint and denies that the Plaintiff is entitled to any relief against Frazier Development, LLC.

This the 19th day of April, 2008 of the year of our Lord.

Respectfully submitted:

Frazier Development, LLC

By Their Attorney:  
Braddock Law Firm, PLLC

By: /s/ Gerald Talmadge Braddock, Esq.  
Gerald Talmadge Braddock, Esq.

Gerald Talmadge Braddock, Esq.  
Mississippi State Bar No: #10071  
Braddock Law Firm, PLLC  
Post Office Box 23609  
Jackson, Mississippi 39225-3609  
Telephone: (601)-456-4217  
Facsimile: (601)-456-4617  
Email: LawMS1 at AOL

**CERTIFICATE OF SERVICE**

I, Gerald Talmadge Braddock, Esq., attorney for Frazier Development, LLC, do hereby certify that I have this day filed the foregoing document via the Court's ECF System which served a copy upon the following counsel:

Kenneth G. Perry, Esq.  
kperry at shellbuford dot com  
Mississippi State Bar No: #4134  
Shell, Buford, PLLC  
Post Office Box 157  
Jackson, Mississippi 39205-0157  
Telephone: (601) 932-4118  
Facsimile: (601) 932-4860

Alton Lamar Watts, Esq.  
lwatts at shellbuford dot com  
Mississippi State Bar No: #100856  
Shell, Buford, PLLC  
Post Office Box 157  
Jackson, Mississippi 39205-0157  
Telephone: (601) 932-4118  
Facsimile: (601) 932-4860

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Gerald Talmadge Braddock, Esq.

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